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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 2ND DAY OF JUNE, 1998

B E F O R E

THE HON'BLE MR. JUSTICE TIRATH S. THAKUR

WRIT PETITION NO. 7998/1998

BETWEEN:

S. Arun Kumar, S/o Sugunda Raj,
Hindu, major, R/a No. 751/A,
15th B Main Road,
Mathikere, B'lor. 54.

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... PETITIONER.

(By Sri.V.A. Mohan Rangam for
Mrs Bhanu Ravinder, Adv.)

AND:

1. The State of Karnataka,
Education Dept., Vidhana Soudha,
Banalore, rep. by its Secretary.

2. The Secretary,
Common Entrance Cell,
Govt. of Karnataka, SJM Samudhaya
Bhavan, Near Central Jail,
I Main Road, Gandhinagar,
Bangalore - 9.

... RESPONDENTS.

(By Sri.K.L. Manjunath, Adv. for R2)

This writ petition filed under Arts. 226 and 227 of the Constitution praying to direct the respondents to allot the seat to the petitioner in the category of 3(Au); grant interim order etc.

This petition coming on for preliminary hearing this day, the Court made the following:

ORDER

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The petitioner appeared in the Common Entrance Test conducted by the CET Cell for the academic session 1997-98 for admission Ticket No.AW507. The result published by the CET Cell placed ^{him} ~~the petitioner~~ at rank no.16500 for Engineering Colleges and 11094 for admission to Medical Colleges in the non-kannada rank lists. The petitioner's case in the writ petition now is that when he appeared for counselling on 3.10.97, he was informed by an Officer of the CET Cell that his rank was not 11094 as published earlier, but 14905. This change of the rank in the merit list according to the petitioner came as a matter of shock and surprise for him. His further case is that candidates who were placed between rank 11094 and 14905 were admitted to medical colleges in the State while the petitioner was deprived of the benefit of such an admission on account of an arbitrary change in his rank.

2. The respondents have filed their statement of objections in which it is inter alia

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pointed out that the petitioner was no doubt shown at rank 16500 for engineering and 11094 for medical admissions in the non-Karnataka rank list but at the request of the petitioner made in terms of an application filed by him on 3.10.97 itself, a copy whereof has been produced as annexure R1, he was treated as a Karnataka student and assigned an appropriate rank in the ~~Karnataka students rank list~~ Karnataka students rank list. Consequently, the petitioner's rank in the medical rank list was shifted from 11094 in the non-Karnataka list to 14905 in the Karnataka list. He was accordingly considered for admission to medical colleges on the basis of his rank, but on account of his low merit, could not be selected. It is urged that the last candidate admitted against the casual vacancies in medical colleges held the rank of 3227 as against the petitioner's rank of 14905-G-55. No candidate below the petitioner's rank having been admitted, the petitioner's grievance against non admission is according to the respondent totally unfounded.

3. Mr.Mohan Rangam argued that the rank of the petitioner in the Karnataka rank list

was at no stage notified. He submitted that the least that the CET ought to have done ^{the} was to publish/petitioner's rank in the Karnataka students rank list. The failure of the CET to have done so, according to the learned counsel rendered the entire process of change of the rank assigned to the petitioner doubtful. I however see no merit in that submission. The respondent CET has satisfactorily explained the reason behind the change in the rank assigned to the petitioner. The petitioner has deliberately suppressed the material facts that led to the change in his rank. He has not disclosed the fact that an application had been filed by him seeking his inclusion in the rank list for Karnataka students on the ground that the petitioner had studied in Karnataka for 12 years. The genuineness of the said application produced by the respondent has not been disputed. In the circumstances, it is manifest that the change in the petitioner's rank occurred on account of the petitioner's request for being treated as a Karnataka student on which request, he was included in the Karnataka list giving

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him an appropriate rank as per his performance at 14905-G-55. The very fact that the new rank assigned to the petitioner in the Karnataka students rank list was not separately notified makes little difference having regard to the admitted position that the petitioner was on the date of counselling itself told that his rank in the Karnataka rank list is 14905. That is clear from the petitioner's own admission made in para 2 of the writ petition where he specifically states that the Officer of the CET had informed him about the change in his rank from 11094 to 14905. It was not therefore, a case where the petitioner was ignorant about the new rank assigned to him, at his request. In the circumstances, there is no room for interference. This writ petition fails and is accordingly dismissed with cost assessed at Rs1,500/-.

Sd/-
JUDGE



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